

REMARKS

The Examiner required restriction among the claims asserting that the pending claims reflect two groups of inventions not so linked as to form a single general inventive concept. The Examiner asserted that the claims fell into the following groups:

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|-----------|--------------------------------------------------------|
| Group I. | Claims 1-10, drawn to a catalyst; or |
| Group II. | Claims 11-19, drawn to a process of making a catalyst. |

The Examiner's alleged basis for the restriction is that the present application is not so linked as to form a single inventive concept. The Examiner also alleged that searching Groups I and II would pose a serious burden on the U.S. Patent Office.

In response, Applicant provisionally elects, with traverse, the subject matter in in Group I claims 1-10, drawn to a catalyst. Applicant specifically reserves the right to pursue the claims not elected in one or more divisional applications.

Applicant respectfully disagrees with the Examiner's restriction, and submits that the Examiner has not met the burden of establishing two or more independent and distinct inventions claimed in one application under 35 U.S.C. § 121. For example, the claims in Groups I and II involve a catalyst that cleans exhaust gas. Thus, the distinctions the Examiner makes between Groups I and II are unclear and the Examiner has not established that the inventions in Groups I and II are independent and distinct.

Moreover, searching each claim group would not pose a serious burden on the U.S. Patent Office, as the Examiner would almost certainly cite the same reference in one group against the other group (*e.g.*, catalysts that clean exhaust gas against methods of making the catalyst that clean exhaust gas). Applicant submits that separate searches for each of the alleged groups would be substantially duplicative, and the Examiner has not demonstrated that a search directed to one group is unreasonable or would present an undue burden on the U.S. Patent Office. Accordingly, Applicant respectfully requests that the restriction requirement be reconsidered and withdrawn.

Applicant: WOLF
U.S. Serial No: 10/588,943
U.S. Filing Date: May 31, 2007
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Conclusion

No additional fee is believed to be due with respect to filing this response. If any additional fees are due, or an overpayment has been made, please charge, or credit, our Deposit Account No. 11-0171 for such sum.

If the Examiner has any questions regarding the present application, the Examiner is cordially invited to contact Applicant's attorney at the telephone number provided below.

Respectfully submitted,

/William D. Schmidt/
William D. Schmidt
Registration No.: 39,492
Attorney for Applicant

Kalow & Springut LLP
Telephone No.: (212) 813-1600